

FILED IN CLERK'S OFFICE  
U.S.D.C. - ANCHORAGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

## **AMENDED AFFIDAVIT OF SERVICE OF PROCESS**

**COMES NOW, TONY L. WARE, Plaintiff** in the above-styled civil action and files this AFFIDAVIT OF SERVICE OF PROCESS on behalf of the Plaintiffs concerning the Defendant **FLEETBOSTON FINANCIAL CORPORATION** f/k/a **BANKBOSTON CORPORATION** pursuant O.C.G.A. § 14-2-1510(b) and O.C.G.A. § 14-2-1520(c) by stating the following under oath to wit:

17       1. That I am **TONY L. WARE, CEO**, Plaintiff of the Plaintiff **T.L. WARE**  
18       **BOTTLING COMPANY, INC.**, and that I do certify under oath that I have  
19       personally served the above-named Defendant on **December 10<sup>TH</sup>, 2004** with a  
20       copy of the Summons, Complaint and Plaintiffs' Request for Admissions by serving  
21       Defendant's last known CEO at the following address to wit:

**M. A. FERRUCCI, President & CEO**  
**FLEETBOSTON FINANCIAL CORPORATION f/k/a BAKBOSTON**  
**also f/k/a INDUSTRIAL FINANCIAL CORPORATION**  
**50 Kennedy Plaza, 16<sup>th</sup>, Floor**  
**Providence, RI 02903**  
**and FLEEBOSTON FINANCIAL CORPORATION of Delaware**

1           2. That at the time I mail copies of the Summons, Complaint and Request for  
2 Admission I knew Defendant to be FleetBoston Financial Corporation f/k/a  
3 BankBoston Corporation. See, **Exhibits "A" and "B"** attached hereto.

4           3. That at the time of service I assumed but was mislead to beleive that  
5 FleetBoston Financial Corporation f/k/a BankBoston Corporation had merged with  
6 FleetBoston FleetBoston Financial Corporation of Delaware because of the use of  
the same corporate name in Georgia.

7           4. Both FleetBoston Financial Corporation f/k/a BankBoston Corporation of  
8 Rhode Island and FleetBoston FleetBoston Financial Corporation of Delaware filed  
9 Certificates of withdrawal from doing business in this State pursuant to **O.C.G.A. §**  
**10 14-2-1520(b)** which legally appoints the Georgia Secretary of State to be their legal  
agent for all service of process in this action pursuant to **O.C.G.A. § 14-2-1520(c)**.

11           5. However, to make sure that service was sent I mail to copies of the  
12 Summons, Complaint and Request for Admissions by regular mail and U.S. Certified  
13 Mail Return Receipt Requested. See, **Exhibit "A"** attached. For some reasons  
14 unknown to me they were return to me as undeliverable.

15           6. I cannot be held responsible for complying with Georgia Law. Even if these  
documents were return to me I did what I was required to do under the law.

16           7. I complied with **O.C.G.A. § 14-2-1510(b)** and FleetBoston Financial  
17 Corporation f/k/a BankBoston Corporation of Rhode Island and FleetBoston  
18 FleetBoston Financial Corporation of Delaware was properly served as a matter of  
19 law. Because this corporation was trying to evade process by using the same  
corporate name in Georgia any fault and negligent was cause by their illegal action  
20 and fraud. As Mr. Johnson has said in his affidavit to the Court, this corporation  
21 cannot now come into this Court and request equity with unclean hands as a matter  
22 of law.

23           8. Service of process was also perfected on these corporation five days (5)  
after I deposited the Summons, Complaint and Request for Admission in the United  
24 States Mail. See, **O.C.G.A. § 14-2-1510(c)(3)**. There no evidence which contradicts  
25 my original Affidavit of Service. Both corporations was legally and properly served.

1                   **IN WITNESS AND TESTIMONY HEREOF**, This AFFIDAVIT OF  
2 SERVICE is made under oath and is true and correct and is further made upon my  
3 personal knowledge, information and belief. Further Affiant says Not.

4                   **On this 15th, day of March, 2005.**

5                   **Respectfully Submitted,**

6                   *Tony L. Ware*

7                   **Tony L. Ware, CEO & Plaintiff**

8  
9                   **Plaintiff's Address:**

10                   **TONY L. WARE, Chairman & CEO**  
11                   **T.L. WARE BOTTLING COMPANY, INC.**  
12                   **P.O. BOX 150524-DEPT. 0227**  
13                   **ATLANTA, GEORGIA 30315-0188**  
14                   **(404) 945-0342**

15                   **Sworn to and Subscribed before Me,**

16                   **This 15th day of MARCH, 2005.**

17                     
**STATE NOTARY PUBLIC OFFICER**

18                   Michael L. Ware, Notary Public, State of Georgia  
My Commission Expires March 15, 2006

19                   **My Commission Expire On.**

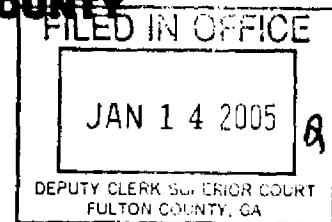
**PLAINTIFF Tony L. Ware's**

**EXHIBIT**

**“A”**

**IN THE SUPERIOR COURT OF FULTON COUNTY**

## STATE OF GEORGIA



4 )  
4 TONY L. WARE, CEO and )  
5 T. L. WARE BOTTLING CO., INC., )  
5 )  
6 )  
6 Plaintiffs, )  
7 vs. )  
7 ) CIVIL ACTION  
8 )  
8 FLEETBOSTON FINANCIAL CORP. )  
9 F/K/A BANKBOSTON CORP. ) FILE NUMBER: 2004CV94553  
9 )  
10 )  
10 ) AFFIDAVIT OF SERVICE OF PROCESS  
10 )  
10 )  
10 Defendant. )

# **AFFIDAVIT OF SERVICE OF PROCESS**

**COMES NOW, TONY L. WARE, Plaintiff** in the above-styled civil action and files this AFFIDAVIT OF SERVICE OF PROCESS on behalf of the Plaintiffs concerning the Defendant **FLEETBOSTON FINANCIAL CORPORATION** f/k/a **BANKBOSTON CORPORATION** pursuant O.C.G.A. § 14-2-1520(c) by stating the following under oath to wit:

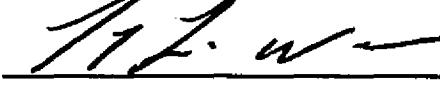
1. That I am **TONY L. WARE, CEO**, Plaintiff of the Plaintiff **T.L. WARE BOTTLING COMPANY, INC.**, and that I do certify under oath that I have personally served the above-named Defendant on **December 10<sup>TH</sup>, 2004** with a copy of the Summons, Complaint and Plaintiffs' Request for Admissions by serving Defendant's last known CEO at the following address to wit:

**M. A. FERRUCCI, President & CEO  
FLEETBOSTON FINANCIAL CORPORATION  
50 Kennedy Plaza, 16<sup>th</sup>, Floor  
Providence, RI 02903**

**25** See, Exhibit "A" attached hereto

1 **IN WITNESS AND TESTIMONY HEREOF, This AFFIDAVIT OF**  
2 **SERVICE is made under oath and is true and correct and is further made upon my**  
3 **personal knowledge, information and belief. Further Affiant say Not.**

4  
5  
6 On this 23<sup>rd</sup>, day of Dec, 2004.  
7  
8

9  
10 **Respectfully Submitted,**  
11   
12 **Tony L. Ware, CEO & Plaintiff**  
13

14 Plaintiff's Address:  
15 **TONY L. WARE, Chairman & CEO**  
16 **T.L. WARE BOTTLING COMPANY, INC.**  
17 **P.O. BOX 150524-DEPT. 0227**  
18 **ATLANTA, GEORGIA 30315-0188**  
19 **(404) 945-0342**  
20

21 **Sworn to and Subscribed before Me,**  
22 This 23<sup>rd</sup> day of Dec, 2004.  
23   
24

25 **STATE NOTARY PUBLIC OFFICER**

MICHAEL R. JOHNSON, SR.  
Notary Public DeKalb County, Georgia  
My Commission Expires April 29, 2006

26 **My Commission Expire On.**  
27  
28  
29  
30  
31  
32  
33  
34  
35

# Exhibit "A"

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only. No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

70003 1640 0007 0643 0975

Postage	\$ 11.40
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$3.50
Total Postage & Fees	\$ 11.40

ATLANTA GA 01  
01/10/2004  
2004  
USPS

Mr. M.A. Ferrucci, CEO  
 Street, Apt. No.  
 or PO Box No.  
 City, State, Zip  
 50 Kennedy Plaza, 16th Fl.  
 Providence, RI 02903

PS Form 3800, June 2002      See Reverse for Instructions

U.S. POSTAL SERVICE      **CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
 PROVIDE FOR INSURANCE—POSTMASTER

Received From:  
 TONY L. WARG  
 P.O. Box 150524  
 ATLANTA GA 30315

ATLANTA GA 01  
01/10/2004  
2004  
USPS

One piece of ordinary mail addressed to:  
 Mr. M.A. Ferrucci, CEO  
 50 Kennedy Plaza, 16th Fl.  
 Providence, RI 02903

ATLANTA GA 01  
01/10/2004  
2004  
USPS

PS Form 3817, Mar. 1989

**T. L. WARE BOTTLING COMPANY, INC.**

**VIA - U.S. CERTIFIED MAIL**

December 10<sup>th</sup>, 2004

Mr. M. A. Ferrucci, CEO  
FleetBoston Financial Corporation  
50 Kennedy Plaza, 16<sup>th</sup>, Floor  
Providence, RI 02903

**Reference: Summons and Complaint.**

Dear Mr. Ferrucci:

This letter is also in reference to our legal claims we have against your company. Enclosed you will find copies of the Summons, Complaint and Request for Admission concerning a lawsuit we filed against your Company in the Superior Court of Fulton County in the State of Georgia which require an answers by FleetBoston Financial Corporation.

Thank you for your time concerning our claims.

*Respectfully yours,*  
*T. L. Ware Bottling Company, Inc.*



*Dr. Tony L. Ware, PhD,JD  
Chairman and CEO*

TLW/iw

cc: Michael R. Johnson, Esq.

Enclosure

**PLAINTIFF Tony L. Ware's**

**EXHIBIT**

**“B”**

**Secretary of State  
Corporations Division  
315 West Tower  
#2 Martin Luther King, Jr. Dr.  
Atlanta, Georgia 30334-1530**

DOCKET NUMBER : 050660486  
CONTROL NUMBER : J150296  
DATE INC/AUTH/FILED: 02/27/1981  
JURISDICTION : RHODE ISLAND  
PRINT DATE : 03/07/2005  
FORM NUMBER : 215

TONY L. WARE  
POB 150524  
ATLANTA, GA 30315

**CERTIFIED COPY**

I, Cathy Cox, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that the attached documents are true and correct copies of documents filed under the name of

**FLEET FINANCIAL CORPORATION OF RHODE ISLAND  
A FOREIGN PROFIT CORPORATION**

Said entity was formed in the jurisdiction set forth above and has filed in the Office of Secretary of State on the date set forth above its certificate of limited partnership, articles of incorporation, articles of association, articles of organization or application for certificate of authority to transact business in Georgia.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence of the existence or nonexistence of the facts stated herein.



Cathy Cox  
Secretary of State

# DUPLICATE

STATE OF GEORGIA  
SECRETARY OF STATE EX-OFFICIO  
CORPORATION COMMISSIONER  
November 22, 1983

C T CORPORATION SYSTEM  
2 Oliver St.  
Boston, MA 02109  
attn: R. B. Ford

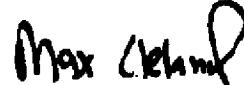
Dear Sir:

The STATEMENT OF WITHDRAWAL of

"FLEET FINANCIAL CORPORATION OF RHODE ISLAND"

together with the filing fee of \$15.00 has been received; and, the Secretary of State having found that the statement complies with the requirements of law, it has this day been filed, and the authority of said corporation to transact business in Georgia is hereby terminated.

Respectfully,



---

SECRETARY OF STATE, EX-OFFICIO CORPORATION  
COMMISSIONER OF THE STATE OF GEORGIA

FILE IN DUPLICATE

174

TO: Secretary of State  
 Ex-Officio Corporations Commissioner  
 State of Georgia

Fee - \$10.00

APPLICATION AND STATEMENT  
 OF  
 WITHDRAWAL.

Pursuant to Section 22-1414 or Section 22-3214 of the Georgia Business Corporation Code...

The name of the corporation is

FLEET FINANCIAL CORPORATION

State of incorporation, Rhode Island

The corporation is not transacting business in Georgia and hereby surrenders its authority to transact business in Georgia. It hereby revokes the authority of its registered agent in Georgia to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in the State of Georgia during the time the corporation was authorized to transact business therein may hereafter be made on the corporation by service thereof on the Secretary of State or his Agent.

The address to which the Secretary of State may mail a copy of any process against the corporation that may be served on him is

	55	Kennedy Plaza	
RECEIVED		(Number)	(Street)
1983 NOV 14 PM 10:36 AM	36	Providence	Rhode Island
U.S. MAIL	REGISTRATION	(City)	(State)
Post Office	Corporations		02903
RECEIVED U.S. MAIL NOV 14 PM 10:36 AM 1983 REGISTRATION CORPORATIONS		(City)	(State)
		Providence	Rhode Island
		(City)	(State)
		02903	(Zip)
		RECEIVED NOV 22 AM 10:20 1983 REGISTRATION CORPORATIONS	(Zip)
		John W. Dence	RECEIVED NOV 22 AM 10:20 1983 REGISTRATION CORPORATIONS

The undersigned president (or vice-president) and secretary (or assistant secretary) of the corporation declare under the penalties of perjury that the facts herein stated are true.

FILED AND ACCEPTED FLEET FINANCIAL CORPORATION

(Name of corporation)

IN THE OFFICE OF  
SECRETARY OF STATE

Received: John W. Dence and attested

(President/ Vice-President)  
John W. Dence

Filed: NOV 22 1983 Date

(Secretary/ Assistant Secretary)  
Edward W. Dence, Jr.



MARCUS E. COLLINS  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION  
ATLANTA, GEORGIA 30304

STATE OF GEORGIA  
**DEPARTMENT OF REVENUE**

INCOME TAX DIVISION  
TRINITY-WASHINGTON BUILDING  
ATLANTA, GEORGIA 30304

JOHN G. CARTER  
Director

October 28, 1983

Telephone Number:  
(404) 656-4191

Person to Contact:  
Doris Langley

TO WHOM IT MAY CONCERN:

Fleet Finance, Inc. Rhode Island Corporation a qualified foreign corporation, has executed and filed with this department an assumption of tax liability on behalf of Fleet Financial Corporation and does guarantees to file all Georgia tax returns required of the above named corporation and pay all taxes accrued and owing to the State of Georgia.

Sincerely yours,

*Emily D. Pettit*  
Emily D. Pettit  
Section Supervisor  
Corporate Operations

This 28th day of October, 1983

Executed in the presence of

*Doris Langley*  
Notary Public, Georgia, State of Langley  
My Commission Expires May 29, 1994  
EDP/dl

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS  
Office of the Secretary of State

Edward S. Inman, III, Secretary of State  
Corporations Division  
100 North Main Street, Providence, RI 02903-1335  
401.222.3011

**PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2003**

Filing Period: January 1 - March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED IN BLACK)

1. Corporate ID No. 2. Name of Corporation  
6486 FleetBoston Financial Corporation

3. Street Address Principal Business Office  
100 Federal Street

City Boston State MA Zip 02110

4. Business Phone No. 5. State of Incorporation  
(617) 292-2000 Rhode Island

6. SIC Code  
0000

7. Brief Description of the Character of Business Conducted in Rhode Island  
Holding Company

**8. NAMES AND ADDRESSES OF THE OFFICERS. ("X" BOX FOR ATTACHMENT)  FILL IN SPACES BEFORE USING ATTACHMENTS**

President Name  
Eugene McQuade

Vice President Name  
Gary A. Spiess

Street Address  
100 Federal Street

Street Address  
100 Federal Street

City Boston State MA Zip 02110

City Boston State MA Zip 02110

Secretary Name  
Gary A. Spiess

Treasurer Name  
Douglas L. Jacobs

Street Address  
100 Federal Street

Street Address  
100 Federal Street

City Boston State MA Zip 02110

City Boston State MA Zip 02110

**9. NAMES AND ADDRESSES OF THE DIRECTORS. ("X" BOX FOR ATTACHMENT)  FILL IN SPACES BEFORE USING ATTACHMENTS**

Director Name  
Joel B. Alvord

Director Name  
Daniel P. Burnham

Street Address  
75 Federal Street

Street Address  
c/o Raytheon Co., 141 Spring Street

City Boston State MA Zip 02110

City Lexington State MA Zip 02421

Director Name  
William Barnet, III

Director Name  
Paul J. Choquette, Jr.

Street Address  
507 E. John Street

Street Address  
c/o Gilbane Building Co., 7 Jackson Walkway

City Spartanburg State SC Zip 29302

City Providence State RI Zip 02903

**10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT)**

**AUTHORIZED SHARES**

Number of Shares Class/Series Par Value

2,000,000,000 COMM \$0.01 PAR VALUE

**11. SHARES ISSUED ("X" BOX FOR ATTACHMENT)**

**ISSUED SHARES**

Number of Shares Class/Series Par Value

16,000,000 PREF \$1.00 PAR VALUE

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

*B. A. Spiess 03-04-03*  
Signature of Officer Date  
Gary A. Spiess  
Print or Type Name of Officer  
Secretary  
Title of Officer

File Date	2/12/03
Check No.	2512509
BN	DA
FOR SECRETARY OF STATE USE ONLY	

